



WISCONSIN REGULATORY DIGEST

A Publication of the CHIROPRACTIC EXAMINING BOARD

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SEPTEMBER, 1998

Governor Tommy Thompson Appoints a New Board Member

Char Glocke, a native of Stevens Point, Wisconsin, has lived in LaCrosse for 26 years and served as the Executive Officer of the LaCrosse Area Realtors Association since 1978. She has been an active voice for realtors on many levels by serving as both a committee member and chairman for the Wisconsin Realtors Association and the National Association of Realtors. On the local level she serves on the Board of Directors for LaCrosse's Riverfest as the Media Director. While her children, Aimee and Scott, were young, Char served as PTA President, a Girl Scout and Cub

Scout leader and a Sunday school teacher. A real people-person, Char spends time with her now college-age children and enjoys a good book or movie on occasion. She loves to travel and is looking forward to a trip to England next summer.

Massage Therapists and Bodyworkers to be Registered

Starting on February 1, 1999 the Department of Regulation and Licensing pursuant to 1997 Act 156 will be registering massage therapists and bodyworkers. " 'Massage therapy or bodywork' means the science and healing art that uses manual actions to palpate and manipulate the soft tissue of the human body..." " 'Manual action' includes holding, positioning, rocking, kneading, compressing, gliding or percussing the soft tissue of the human body and applying friction to soft tissue." The Department is required to promulgate rules concerning education, training and competency requirements for registration. The rules will include completion of 600 classroom hours of instruction from an approved school. 1997 Act 156 may be found on the Internet at <http://www.legis.state.wi.us/billtext/acts/97acts.html>.

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Access to Health Care Records

Wisconsin statute 146.83 concerning access to health care records has been amended by 1997 Wis. Act 157 to require that health care providers release records directly to a patient's health care provider upon request and with a statement of informed consent. The amendment also prohibits concealing or withholding health care records from a patient's health care provider to prevent or obstruct an investigation or prosecution. Violations of the statute as amended include actual damages and exemplary damages along with injunctive relief. 1997 WI Act 157 was effective in April 1998. Copies of the law are available from the department or via internet at the www.state.wi.us under "legislature."

Tax Delinquency, A New Basis for Denial, Suspension And Revocation

Since 1996, the law has required the department to verify that applicants for credential renewal are not delinquent in payment of Wisconsin state taxes. The department is required to deny renewal if the Department of Revenue certifies that an applicant is tax delinquent.

Effective January 1, 1999, the scope of the law will expand to apply to other state agencies, including the Department of Transportation and the Department of Natural Resources. The law will also change to include applicants for initial credentials and current credential holders. After January 1, 1999, the Department of Regulation and Licensing is required to deny applications for an initial credential if the applicant is certified by the Department of Revenue as being liable for delinquent state taxes. The Department will also be required to revoke the credential of current holders who are tax delinquent.

A person denied or revoked because of a tax delinquency status may request the Department of Revenue to review the certificate of tax delinquency at a hearing.

The text of the new law is in the Budget Adjustment Bill, 1997 Wisconsin Act 237 at section 307 and sections 532 - 551. Act 237 is available in most public libraries and can be viewed on the Internet at <http://www.legis.state.wi.us/billtext/acts/97acts.html>

Law Sanctions Professionals With Delinquent Support

In April 1998, legislation was enacted which provides for suspension of credentials for failure to pay family support or for failure to comply with a subpoena or warrant related to paternity or support proceedings. The determination of failure to pay support or failure to comply with a warrant or subpoena will be made by county support agencies or the Department of Workforce Development.

The Department of Workforce Development, after proper notice and provision for hearing, will certify to the Department of Regulation and Licensing that a professional who holds a credential issued by the department, or who is applying for a credential is delinquent in support or has failed to comply with a subpoena or warrant. The department then shall restrict, limit or suspend a credential or deny an application for a credential. Credentials will remain restricted, limited or suspended until the department receives notification of release from the Department of Workforce Development. However, credential holders may not be sanctioned for more than five years because of delinquency in support, or for more than six months for failure to comply with a subpoena or warrant. The new law became effective in April 1998.

The text of 1997 Wisconsin Act 191, is available in most public libraries and can be viewed on the Internet at <http://www.legis.state.wi.us/billtext/acts/97acts.html>

Department to Collect Social Security Numbers

The new family support collection act requires the Department of Regulation and Licensing to collect social security numbers from all individuals who apply for new credentials. Applications from individuals who do not submit their social security number will be denied. The social security numbers collected may be disclosed only to the Department of Workforce Development for the purpose of enforcing the Family Support Collection Act, or to the Department of Revenue for the purpose of checking for tax delinquencies.

Administrative Warnings May be Issued Under New Law

Examining boards, the department and other regulatory authorities are authorized to issue administrative warnings under 1997 Wisconsin Act 139, effective May 5, 1998. An administrative warning may be issued to close an investigation if a regulatory authority determines that no further action is warranted because the complaint involves a first occurrence of a minor violation and the warning adequately protects the public.

Under the new law, an administrative warning puts the professional on notice that if the misconduct is repeated, the incident that was the basis for the warning can be used to prove that the person warned knew the conduct was prohibited. A warning is not discipline and may be issued without a formal complaint or a hearing.

A credential holder may have a warning reviewed before the department or board that issued the warning. The act requires the department to promulgate rules establishing uniform procedures for administrative warnings. 1997 WI Act 139 is available from the department and can be viewed on the Internet at <http://www.legis.state.wi.us/billtext/acts/97acts.html>.

Disciplines

MICHAEL L. JOHNSON, D.C.

APPLETON WI

REPRIMAND

Practiced chiropractic without a current registration between January 1, 1997 and August 18, 1997. Ordered to pay costs. Effective 4/23/98. Chir 6.02(26). Case #LS9709251CHI.

MARK ERB, D.C.

MENOMONIE WI

REPRIMAND

Between 7/18/94 and 9/9/94, treated a 69 year old man, 32 different times. Between 8/12/93 and 2/13/95, treated a 38 year old woman, 242 different times. In both cases, respondent did not routinely record objective findings, an assessment of the patient's condition, or a plan for the treatment of the patients. Ordered to complete courses and to pay costs of \$600. Effective 6/25/98. Chir 6.02(3). Case #LS9806251CHI.

LARRY E.J. RUSSELL, D.C.

BEAVER DAM WI

SUSPENDED

Failed to maintain proof of current and adequate professional liability insurance coverage on file with the board. Continued to practice without professional liability insurance coverage from 8/22/96 through at least 10/17/97. On 12/31/96 requested renewal which was insufficient and continued to practice from 1/1/97 through 9/22/97. Suspended for 30 days; suspension stayed on conditions. Ordered to pay costs. Effective 5/21/98. Secs. 446.02(4) and 446.03(5), Stats. Chir 6.02(1), (25), (26).

ALERT

ALERT

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The next renewal for chiropractors will be December 31, 1998. Renewal notices will be mailed out about 6 weeks prior to that date. Please remember to include your Social Security Number on your renewal form.

Insurance Complaints

Wisconsin's insurance laws mandate equal coverage for chiropractic and physician treatment and require cost containment and quality assurance measures to be applied to chiropractic services consistently with measures generally applicable to physician services. Complaints that insurers are not following these requirements may be made directly to the:

Office of the Commissioner of Insurance

Information and Complaints Section

P.O. Box 7873

Madison, WI 53707-7873

Information about the Commissioner's complaint process and a complaint form are available on the internet at

http://badger.state.wi.us/agencies/oci/com_form.htm.

Department of Regulation and Licensing
Chiropractic Examining Board
P.O. Box 8935
Madison, WI 53708-8935

REGULATORY DIGEST

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RETURN SERVICE REQUESTED

Telephones

Automated Phone System for Chiropractic, Acupuncture, Marriage & Family Therapists, Nursing, Optometry, Professional Counselors, Psychology, & Social Workers: (608) 266-0145

Press 1, then 4 **Application Requests for Credentials & Continuing Education**
Press 2 **Information on Status of Pending Applications**
Press 3 **Information on Renewal, Verifications, Letters of Good Standing & Name or Address Changes.**
Press 4 **Complaint Filing Information**
Press 5 **Application Questions**
Press 6 **Repeat Menu Choices**

Fax # (608) 261-7083

Verification Information

ALL verification requests must be in writing. Requests for verifications to other states must be in writing. The cost is \$10. Please make out check or money order to the Department of Regulation and Licensing.

Meeting Dates

October 22, November 19, and December 17.

Exam Date

December 3, 1998

Deadline Date

November 3, 1998

Visit the Department's Web Site

<http://badger.state.wi.us/agencies/drl/>
Send comments to dorl@mail.state.wi.us

Digest on Web Site

The September, 1997 is on the Web.

Wisconsin Statutes and Code

Copies of the Chiropractic Statutes and Administrative Code can be ordered through the Board Office. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated October, 1997.

Change of Name or Address?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes are not automatically provided.

WIS. STATS. S. 440.11 ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.

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